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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,459	03/30/2004	Andre Heilper	IL920040005US1	4673

7590 10/05/2006

Stephen C. Kaufman  
Intellectual Property Law Dept.  
IBM Corporation  
P.O. Box 218  
Yorktown Heights, NY 10598

EXAMINER

LABAZE, EDWYN

ART UNIT PAPER NUMBER

2876

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/813,459

Applicant(s)

HEILPER ET AL.

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-13,22,25,26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-13,22,25,26 and 28-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 8/28/2006.
2. Claims 11-13, 22, 25-26, and 28-30 (new claim 30) are presented for examination.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 11-13, 22, 25-26, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call (U.S. 2002/0161745) in view of Snow et al. (US 2001/0047340).

Re claims 11, 22, and 29-30: Call methods and apparatus for using the internet domain name system to disseminate product information, which includes means of reading {herein Call teaches means of scanning a bar code} a label attached to a manufactured item, the label incorporating a manufacturer-controlled identification number (paragraphs 64, 231, 237); querying {through the query handler 204, as shown in fig. # 2} a third party authority {herein a

retailer 107, distributor 105 or the product code translator 103; as shown in fig. # 1} to verify that the item is a genuine product {herein the product code is registered} of its indicated manufacturer (paragraphs 26-32, 37-47).

Call further teaches maintaining a database cataloging manufacturing items identified by manufacturer-controlled identification numbers (paragraphs 61-64) and commercial entities between which the items are transferred from manufacture until point of sale (paragraph 18+).

Call fails to specifically teach means of generating a certificate of authenticity to provide to a purchaser of the item if the querying yields an affirmative result, and electronic transfer of ownership.

Snow et al. discloses authenticity verification method and apparatus, which includes a printer for printing a certificate 62 (see figs. # 6A-B; 7A-B; paragraphs 0091+), and electronic {herein transfer of ownership of the commodity over the Internet or in the form of an e-mail or regular mail} transfer of ownership (fig. # 10, paragraphs 36, 89+).

In view of the teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Call means of printing or issuing a certificate of authenticity after verifying the legitimacy/genuineness of the product. Furthermore, such modification {through a printer in communications with the general-purpose computer 102 and modified subroutine/logic of the operating software controlling said computer 102} would provide to the new owner a proof {such as a certificate of authenticity, title/deeds of the purchased item/product} that the purchased item is worth the price, valuable and authentic. Moreover, such modification would have been an obvious extension as taught by Call, therefore an obvious expedient.

Re claims 13, 25: Call teaches system and method, wherein the identification number is encoded in the label, and wherein the encoded number is one of the following code types one-dimensional bar-code, two-dimensional bar-code, RFID tag, and a magnetic tag {herein Call teaches a Global Trade Item Number/GTIM with data carrier/bar code, which may contain 12-digit/U.P.C., a 13-digit/EAN-13, or a EAN-8} (paragraph 136+, 231, 237).

Re claim 26: Call discloses system and method, wherein a database maintained by the third party authority stores identifies of commercial entities between whom the items are transferred from manufacture until point of sale (paragraphs 22-23, 180-187).

Re claim 28: Call teaches system and method, wherein the result is affirmative when the store {herein retailer 107} is recorded in the database as having authorizing possession {herein on-hand counts} of the item (paragraph 74+).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lincoln et al. (U.S. 6,820,201) discloses system and method using information-based indicia for securing and authenticating transactions.

Coppersmith et al. (U.S. 6,996,543) teaches system for protection of goods against counterfeit.

DeWolf et al. (US 2002/0032626) discloses global asset information registry.

Chester (US 2004/0054888) teaches method and system of authentication and ownership verification of collectables.

Pretorius (US 2004/0268130) discloses system and method of authenticating an article.

Hind et al. (US 20005/0114270) teaches merchandise-integral transaction receipt and auditable product ownership trail.

Beck et al. (US 2005/0199706) teaches systems, methods, and devices for selling transaction instruments via web-based tool.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
September 20, 2006



**THIEN M. LE**  
**PRIMARY EXAMINER**